

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY

PLAINTIFF

v.

No. 3:09-cv-00497-HTW-LRA

AN EASEMENT AND RIGHT-OF-WAY OVER
2.64 ACRES OF LAND, MORE OR LESS, IN
RANKIN COUNTY, MISSISSIPPI, and
SUSTAINABLE FORESTS, L.L.C.

DEFENDANTS

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court, as evidenced by the signatures below, that the parties have agreed to resolve this action as hereinafter provided;

It is, therefore, Ordered and Adjudged that:

1. The Defendant shall recover of Plaintiff \$14,750 as full compensation for the taking of the easement and right-of-way herein condemned, which amount has been deposited by Plaintiff with the registry of this Court in this action.

2. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$14,750 payable to Sustainable Forests, L.L.C., in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said check to Kathleen M. Willemin, Esq., International Paper Company, 6400 Poplar Avenue, Tower II, Memphis, Tennessee 38197.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on August 19, 2009, is hereby fully and finally confirmed with respect to the following-described easement and

right-of-way, said description being the same as in Attachment 1 to the Declaration of Taking (DN 2) filed herein:

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of Plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. SHLGF-5

A permanent easement for transmission line purposes on, over, and across a parcel of land located in the NE 1/4 of Section 30 and the NW 1/4 of Section 29, Township 7 North, Range 4 East, of Rankin County, State of Mississippi, as shown on a map entitled "Leake-Langford Transmission Line Tap to Fannin, Miss. Substation," drawing LW-7652, sheet P17A, R.O, the portions of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Beginning at a point, the said point being a 1/2-inch rebar at the northeast corner of Section 30 and being common to Sections 30, 19, 20, and 29, the said point also being on the property line between Sustainable Forests, LLC, and David K. Brooks and being 8.57 feet left of the centerline of the transmission line location at survey station 102+07.56; thence leaving the said section corner and with the said property line and the line between Sections 29 and 20 N. 89° 52' 17" E., 1,330.96 feet to a point, the said point being a concrete monument (4" x 4") which is a common corner in the lands of Sustainable Forests, LLC, David K. Brooks, Slidell Properties, LLC, and O. T. Linebarier, Jr., et ux., the said point also being 17.30 feet left of the centerline of the location at survey station 88+76.63; thence leaving the said common corner, the said property line, and the said section line and with the property line between Sustainable Forests, LLC, and O. T. Linebarier, Jr., et ux., S. 00° 42' 00" E., 32.70 feet to a point on the south right-of-way line of the location; thence leaving the said property line and with the said south right-of-way line of the location S. 89° 29' 44" W., 2,762.16 feet, crossing the line between Sections 29 and 30, to a point diametrically opposite an angle point in the centerline of the location at survey station 115+88.51; thence with the west right-of-way line of

the location N. 00° 18' 55" W., 50.56 feet to a point on the aforementioned property line between Sustainable Forests, LLC, and David K. Brooks, the said point being on the line between Sections 30 and 19 and being 50 feet left of the centerline

of the location at survey station 115+88.91; thence leaving the said west right-of-way line of the location and with the said property line and the said section line N. 89° 51' 41" E., 1,430.98 feet, crossing the centerline of the location at survey station 115+88.8 (50 feet), to the point of beginning and containing 2.64 acres, more or less.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 115+88.51.

The above-described parcel of land is lying partially in the North ½ of the NE ¼ of Section 30 and partially in the NW ¼ of the NW ¼ of Section 29, Township 7 North, Range 4 East, Rankin County, State of Mississippi.

Recording Information: Record landowner as of the date of the filing of the Declaration of Taking — Sustainable Forests, LLC (Deed Book 832, page 534).

4. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

This the 26th day of January, 2010.

s/ HENRY T. WINGATE
CHIEF UNITED STATES DISTRICT JUDGE

We hereby approve and consent to the entry of this Judgment:

s/Edwin W. Small

Edwin W. Small
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SUSTAINABLE FORESTS, L.L.C.

By: s/E. Wayne Plummer

Title: Vice President

Defendant

Civil Action No. 3:09-cv-497 HTW-LRA
Judgment and Order Disbursing Funds